

**MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK**

**FORMAL SESSION  
MAY 4, 2005**

The Board of Directors of the Flood Control District of Maricopa County, Arizona, convened in Formal Session at 9:00 a.m., May 4, 2005, in the Board of Directors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Max W. Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2; Andrew Kunasek, District 3, and Mary Rose Wilcox, District 5. Absent: Fulton Brock, District 1. Also present: Fran McCarroll, Clerk of the Board; Stefanie Pesqueira, Administrative Coordinator; David Smith, County Manager; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain

**PERSONNEL AGENDA**

Motion was made by Director Kunasek, seconded by Director Stapley, and unanimously carried (4-0-1) to approve Flood Control District Personnel Agenda (Exhibit C). Exhibit C will be found at the end of this set of minutes.

**EASEMENTS AND RIGHT-OF-WAY DOCUMENTS**

Motion was made by Director Kunasek, seconded by Director Stapley, and unanimously carried (4-0-1) to approve easements and right-of-way acquisition documents, appraisal and relocation assistance services contracts under \$5,000 per Resolution FCD 87-12; Escrow Instructions per Resolution FCD 87-13; Payment of Tax Notices per Resolution FCD 97-07; License Procedures and Fee Schedules per Resolution FCD2002R002; and disposal of easements, excess real property and fixtures under \$250,000 documents per FCD 1999R016 for Flood Control purposes. (ADM1910)

**Property Management – Skunk Creek Floodprone Properties (Per Resolution FCD 1999R016)**

Item A287.004 and A287.005, Roadway Easement from the Flood Control District of Maricopa County to Maricopa County for the sum of \$12,700.00.

**CHANGE ORDER WITH STANTEC CONSULTING INC. FOR EL RIO WATERCOURSE MASTER PLAN**

Motion was made by Director Kunasek, seconded by Director Stapley, and unanimously carried (4-0-1) to authorize and approve Change Order No. 7 to Contract FCD 2001C024 with Stantec Consulting Inc., for the El Rio Watercourse Master Plan and Area Drainage Master Plan (PCN 106.01.20), in the amount not-to-exceed \$432,314.47, which will increase the lump sum contract value to \$2,619,134.58. Additionally, the Change Order No. 7 authorizes a 247-day time extension for a total contract period of 1,242 days. (C6902083501)

**IGA WITH CITY OF CHANDLER FOR QUEEN CREEK ROAD BASIN**

Motion was made by Director Kunasek, seconded by Director Stapley, and unanimously carried (4-0-1) to approve Intergovernmental Agreement (IGA) FCD2004A014, Queen Creek Road Basin (project), between the Flood Control District of Maricopa County and the City of Chandler. This IGA is with the city for determining responsibilities and cost-sharing of the project for design, utility relocation, construction, construction management, and operation and maintenance. The estimated total project cost-share for the district is a not-to-exceed amount of \$1,500,000.

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Also approved an adjustment to the current FY 2004-05 Flood Control District of Maricopa Capital Improvements Program (CIP) budget. The adjustment is required to increase funding to the Higley Area Master Plan (Function Class F491) in the amount of \$300,000, and decrease the amount in the Project Reserve (Function Class FCPR) in the amount of \$300,000. (C6905084200)

**IGA WITH CITY OF PHOENIX FOR TRES RIOS PROJECT**

Motion was made by Director Kunasek, seconded by Director Stapley, and unanimously carried (4-0-1) to approve Intergovernmental Agreement (IGA) FCD 2004A017, for the Tres Rios Project (Project #126) between the Flood Control District of Maricopa County and the City of Phoenix. The IGA identifies the district's role and responsibility for cost sharing in the project in an amount of \$2,000,000, for the dedication of certain rights-of-way required for the project, and for operation and maintenance of the flood control features of the completed project. As a result of the project, the district will become responsible for the operation and maintenance of the constructed flood control features. The estimated additional maintenance cost to the district is \$59,000 per annum beginning in FY 2008-09. (C6905101200)

**IGA WITH CITY OF PHOENIX FOR DAM SAFETY PROGRAM PLANNING AND STRUCTURES ASSESSMENT**

Motion was made by Director Kunasek, seconded by Director Stapley, and unanimously carried (4-0-1) to approve Intergovernmental Agreement (IGA) FCD 2004A018, Dam Safety Program Planning and the Structures Assessment of Three Flood Control Dams, between the Flood Control District of Maricopa County and the City of Phoenix, for cost sharing of engineering assessments, inventory identification, Emergency Action Plan development, and to provide technical guidance and recommendations in the development of a City of Phoenix Dam Safety Program. (C6905102200)

**RESOLUTION FOR PLANNING STUDY COMPLETION AND AWARD CONTRACTS**

Motion was made by Director Kunasek, seconded by Director Stapley, and unanimously carried (4-0-1) to adopt Resolution FCD 2004R016, FY 2005-06 Planning Program Fund (812). The resolution authorizes and directs the Chief Engineer and General Manager of the Flood Control District of Maricopa County to complete the planning studies, to negotiate and award technical service contracts for the planning studies and negotiate rights-of-entry, subject to the ratification and approval of the Board of Directors of the district. Expenditures are contingent upon Board approval of the district's final budget for FY 2005-06, which includes an appropriation for this purpose. This action will allow the district to attain the goal of analyzing the entire county for flood hazards by FY 2010-11. (C6905104600) (ADM1900)

**RESOLUTION FCD 2004R016  
Fiscal Year 2005/2006 Planning Program**

**WHEREAS**, Arizona Revised Statutes Section 48-3603, Chapter 21, allows the Board of Directors (Board) of the Flood Control District of Maricopa County (District) to acquiring, constructing, maintaining, and operating flood control facilities to control waters of rivers and streams, and other surface waters to prevent the flooding of property and the endangering of lives of people; and

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**WHEREAS**, the District, under Arizona Revised Statutes Section 48-3616 is required to survey and report existing flood control problems and develop a comprehensive plan to mitigate the existing flood control problems; and

**WHEREAS**, the District's Planning Program includes Area Drainage Master Studies (ADMS), Area Drainage Master Plans (ADMP) and Watercourse Master Plans (WCMP), which survey and document existing flooding hazards, recommend future flood control facilities and identify other measures to mitigate existing flood hazards; and

**WHEREAS**, the District's planning studies are valuable tools used by the District and local agencies to identify and mitigate existing flood hazards and to guide future land development; and

**WHEREAS**, the District has identified ADMS, ADMP, WCMP and studies to be continued or initiated during FY 2005/06, as shown on Exhibits "A" and "B".

**NOW, THEREFORE, BE IT RESOLVED** that the Board authorizes and directs the Chief Engineer and General Manager of the District to negotiate technical service contracts for the planning studies shown on Exhibits "A" and "B", made a part hereof, and to award those contracts subject to the ratification and approval of the Board of Directors, with the total FY 2005/06 expenditures amount estimated to be \$6,577,000. The \$6,577,000 is subject to the Board of Directors approval of funding for the District's FY 2005/06 Budget; and

**BE IT FURTHER RESOLVED** that the Chief Engineer and General Manager of the District is authorized and directed to negotiate with landowners and/or appropriate agencies to obtain all necessary rights-of-entry, for the purpose of obtaining topographic, geologic, hydrographic, and environmental data for the studies.

/s/ Max W. Wilson, Chairman

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

Enclosures: Exhibits A & B.

Exhibit A

PROJECT	AMOUNT
Rio Verde DMP	\$175,000
Wittmann ADMP	\$700,000
Sun Valley ADMP	\$600,000
Agua Fria WCMP	\$100,000
El Rio WCMP	\$450,000
Wickenburg ADMP	\$250,000
Lower Hassayampa WCMP	\$50,000
Luke Wash ADMP Mapping	\$600,000

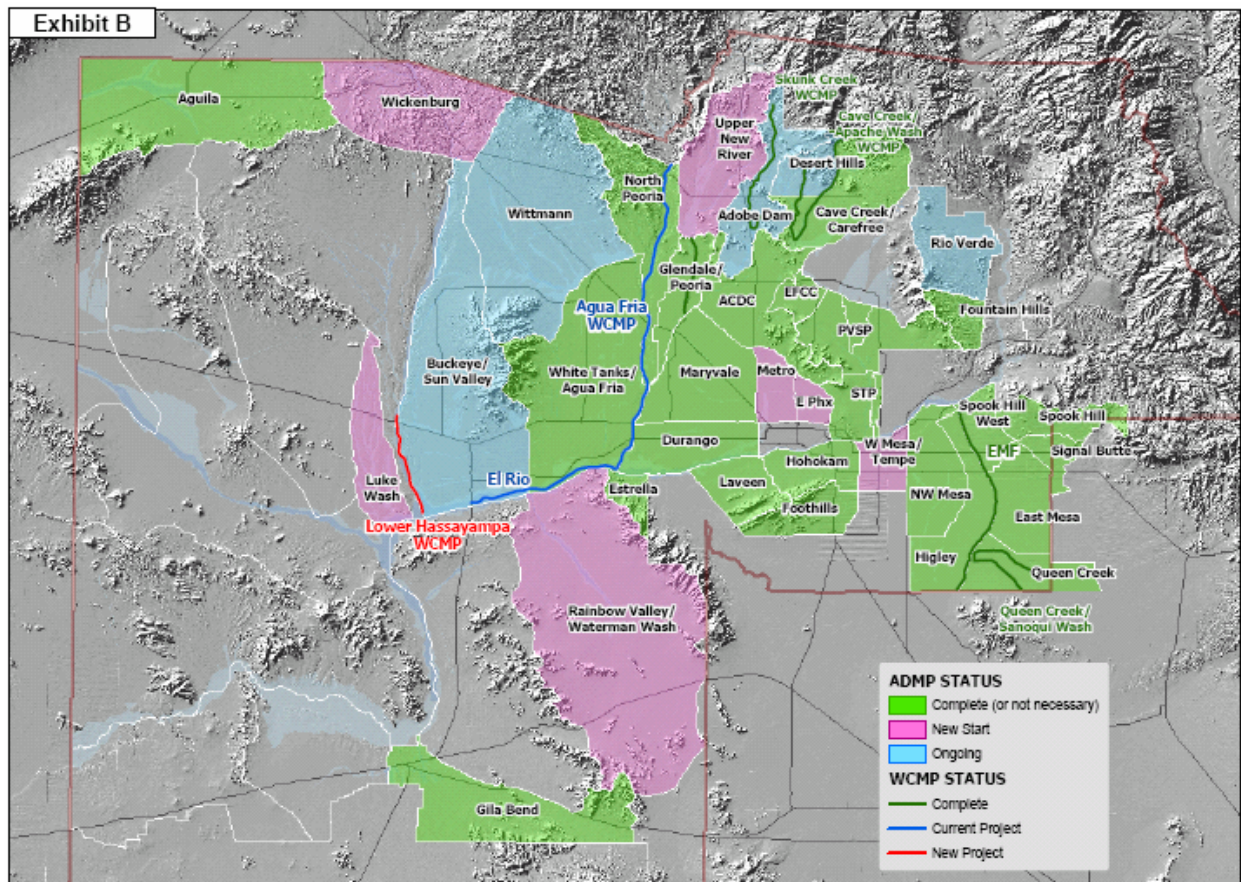
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Rainbow Valley ADMP Mapping	\$1,106,000
New River ADMP Mapping	\$300,000
Metro ADMS	\$600,000
<b>*Buckeye ADMP</b>	<b>\$200,000</b>
<b>*Cave Creek DMP</b>	<b>\$446,000</b>
<b>*Avondale/Agua Fria 1135 Cost Share</b>	<b>\$750,000</b>
<b>*Tempe/West Mesa DMP</b>	<b>\$100,000</b>
CARS	\$100,000
Landscape Architecture	\$50,000
<b>TOTAL</b>	<b>\$6,577,000</b>

**\* New Starts for FY 2005/06**

Exhibit B



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**ADJUSTMENTS TO THE FY 2004-05 CAPITAL IMPROVEMENTS PROGRAM BUDGET**

Motion was made by Director Kunasek, seconded by Director Stapley, and unanimously carried (4-0-1) to approve adjustments to the current FY 2004-05 Flood Control District of Maricopa County Capital Improvements Program (CIP) budget. The adjustments are required for a variety of reasons including changes to infrastructure design and construction schedules; cost share partner ability to commit to prospective funding schedules; and variances between engineering cost estimates and low bid and negotiated contract totals.

The requested CIP budget adjustments will result in changes in individual project schedules and the overall project funding distribution, but will not cause the district to delete any previously approved Board of Director project. The following listing details the requested FY 2004-05 adjustments by Function (Project) Code:

<b>Code</b>	<b>Project</b>	<b>Amount</b>
F117	S. Phoenix Drainage Improvements	\$178,000
F120	Paradise Valley, Scottsdale, Phoenix	\$438,000
F121	East Maricopa Floodway	\$1,200,000
F129	Arlington Valley	(-\$204,000)
F202	McMicken Dam	(-\$413,000)
F300	Spookhill FRS & Outlet	\$40,000
F343	Wickenburg	\$405,000
F344	Wittmann ADMP	\$51,000
F346	Hassayampa River	(-\$584,000)
F371	Upper New River ADMP	(-\$159,000)
F400	Skunk Creek / New River	(-\$136,000)
F420	Spookhill ADMP	\$74,000
F442	Southeast Mesa ADMP	(-\$1,052,000)
F450	Glendale / Peoria ADMP	(-\$474,000)
F470	White Tanks ADMP	(-\$2,721,000)
F480	Queen Creek ADMP	\$1,584,000
F491	Higley ADMP	\$1,200,000
F520	Adobe Dam	\$921,000
F565	Durango ADMP	(-\$332,000)
F580	ACDC ADMP	\$86,000
F620	Maryvale ADMP	\$2,207,000
F625	Metro ADMP	(-\$1,098,000)
	Non-Project	(-\$416,000)
	Project Reserve	\$15,000
	Total Net Adjustment	\$0

Approval of the budget adjustment by the Board of Directors will affect funding in both the district current and future years' CIP budget. Future year changes to the CIP budget are provided for in the district submitted and pending FY 2005-06 budget request. Current FY 2004-05 total approved funding for the CIP remains unchanged by the Boards' approval of this request. (C6905105800) (ADM1900-003)

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**RESOLUTION FOR 9TH AVENUE STORM DRAIN IMPROVEMENTS**

Motion was made by Director Kunasek, seconded by Director Stapley, and unanimously carried (4-0-1) to adopt the Resolution FCD 2005R005, 9th Avenue Storm Drain Improvements, Peoria Avenue to Arizona Canal Diversion Channel Project #580. This resolution authorizes and directs the Chief Engineer and General Manager of the Flood Control District of Maricopa County to negotiate future Intergovernmental Agreements with the City of Phoenix and other stakeholders. The total estimated project cost for construction and construction management is \$1,530,000, and is intended to be shared district 50% and city 50%. The city will be the lead agency for all project tasks. (C6905108600) (ADM1900-003)

**RESOLUTION FCD 2005R005  
9<sup>TH</sup> AVENUE STORM DRAIN IMPROVEMENTS,  
PEORIA AVENUE TO ARIZONA CANAL DIVERSION CHANNEL**

**WHEREAS**, The Flood Control District of Maricopa County (District) was established in accordance with provisions of Arizona Revised Statutes Title 48, Chapter 21, which requires the Board of Directors of the District (Board) to identify flood problems and plan for the construction of facilities to eliminate or minimize flooding problems within Maricopa County; and,

**WHEREAS**, the District commissioned an Area Drainage Master Study (ADMS) for the north central area of Phoenix in 1990 to gather data and perform hydrologic analyses necessary to plan for drainage improvements to the area north of the Arizona Canal Diversion Channel (ACDC) and,

**WHEREAS**, the Comprehensive Flood Control Program Report for Maricopa County Flood Control District dated 1991 identified the City of Phoenix's interest in participating in the construction of an urban storm drain system to collect and convey flows from this drainage area to the ACDC; and,

**WHEREAS**, the District completed a Candidate Assessment Report (CAR) for the Sunnyslope Area at the request of the City of Phoenix, which identifies flooding within this watershed and listed the 9<sup>th</sup> Avenue Storm Drain Project as a recommended solution to reduce flooding in this area; and,

**WHEREAS**, the 9<sup>th</sup> Avenue Storm Drain Project from Peoria Avenue to the ACDC, hereinafter referred to as the PROJECT, as shown in attached Exhibit "A", includes laterals along, but not limited to: North Lane, Cochise Street, Cheryl Drive, and Cinnabar Avenue; and,

**WHEREAS**, the 9<sup>th</sup> Avenue Storm Drain will provide a 10-year level of flood protection to the properties located within the watershed; and,

**WHEREAS**, the City of Phoenix requested this project through the District's Project Prioritization Procedure for fiscal year 2005/06 and the project ranked high for inclusion in the District's Capital Improvement Program and budget for fiscal year 2005/06.

**NOW, THEREFORE BE IT RESOLVED** that the Board of Directors of the Flood Control District of Maricopa County authorizes and directs the Chief Engineer and General Manager of the District to negotiate and prepare intergovernmental agreements (IGA) with the City of Phoenix, and others, as necessary, for the coordination and cost sharing of the construction and construction management of the Project, subject to the ratification and approval of this Board.

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**BE IT FURTHER RESOLVED** that the Chief Engineer and General Manager of the District is authorized and directed to include cost sharing funds in the District's current and future Five-Year Capital Improvement Program to pay for the District's portion of the PROJECT, subject to the ratification and approval of this Board.

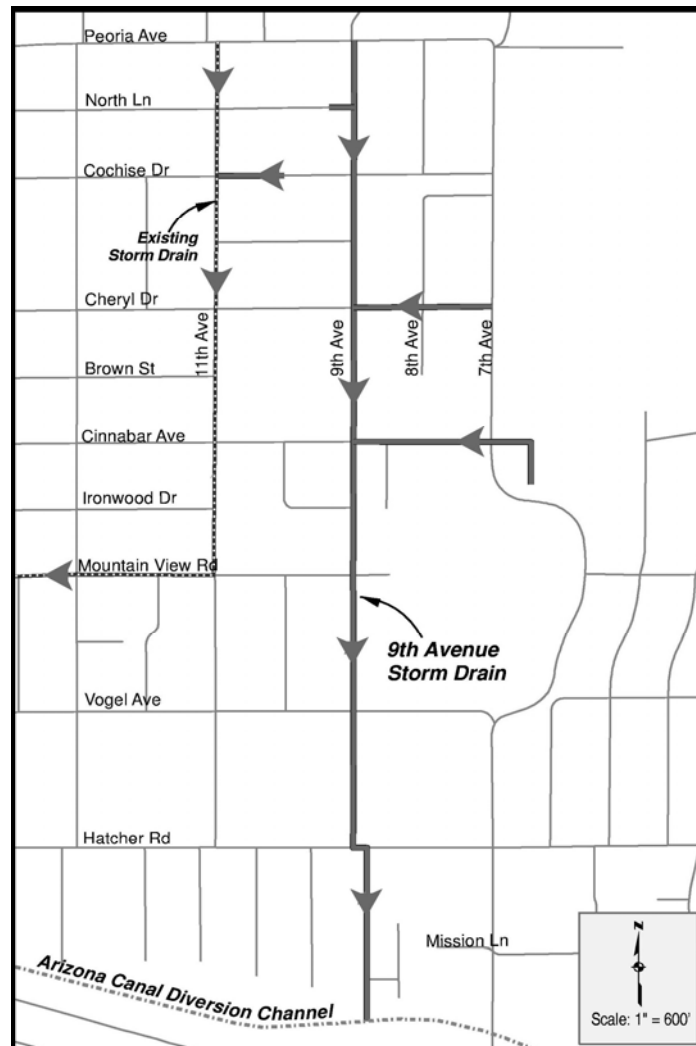
/s/ Max W. Wilson, Chairman

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

Enclosures: Exhibit "A" – Project Location Map

**Exhibit "A" – Project Location Map**



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**CONTRACTS FOR ON-CALL CONSTRUCTION MANAGEMENT SERVICES**

Motion was made by Director Kunasek, seconded by Director Stapley, and unanimously carried (4-0-1) to award the following contracts for on-call construction management services. These contracts are each for the not-to-exceed amount of \$250,000 or for two years, whichever occurs first. The Flood Control District of Maricopa County and the consultant will mutually agree to a detailed scope of work for each work assignment prior to the commencement of any work. A not-to-exceed fee will be negotiated for each work assignment prior to Notice-to-Proceed with each assignment. This negotiated fee will be in accordance with the rates included as Exhibit B to the contract.

- Contract FCD 2004C063 to HDR Construction Control Corporation (Consultant), Agenda Item C6905113500, and
- Contract FCD 2004C064 to Construction Management 2000 (Consultant), Agenda Item C6905114500.  
(C69051125ZZ)

**CONTRACT WITH DMJM AND HARRIS, INC FOR BETHANY HOME OUTFALL CHANNEL, PHASE II**

Motion was made by Director Kunasek, seconded by Director Stapley, and unanimously carried (4-0-1) to award Contract FCD 2004C057, On-Call Post Design Services for the Bethany Home Outfall Channel, Phase II #620, to DMJM and Harris, Inc. (Consultant). The contract will be effective for 730 calendar days from the date of execution or until the contract expenditure of \$50,000, whichever occurs first. The Flood Control District of Maricopa County and consultant will mutually agree to a detailed scope of work for each work assignment prior to the commencement of any work. A not-to-exceed fee will be negotiated for each work assignment prior to the Notice-to-Proceed with each assignment. This negotiated fee will be in accordance with the rates included as Exhibit B to the contract. (C6905115500)

**CONTRACT WITH J2 ENGINEERING & ENVIRONMENTAL DESIGN FOR POST DESIGN SERVICES**

Motion was made by Director Kunasek, seconded by Director Stapley, and unanimously carried (4-0-1) to award Contract FCD 2004C059, On-Call Post Design Services, to J2 Engineering & Environmental Design (Consultant). The contract will be effective for 730 calendar days from the date of execution or until the contract expenditure of \$50,000, whichever occurs first. The Flood Control District of Maricopa County and consultant will mutually agree to a detailed scope of work for each work assignment prior to the commencement of any work. A not-to-exceed fee will be negotiated for each work assignment prior to the Notice-to-Proceed with each assignment. This negotiated fee will be in accordance with the rates included as Exhibit B to the contract. (C6905116500)

**RESOLUTION FOR WICKENBURG DOWNTOWN FLOODING HAZARD MITIGATION PROJECT**

Motion was made by Director Kunasek, seconded by Director Stapley, and unanimously carried (4-0-1) to adopt Resolution FCD 2005R008, Wickenburg Downtown Flooding Hazard Mitigation Project. This resolution authorizes and directs the Chief Engineer and General Manager of the Flood Control District of Maricopa County to negotiate future Intergovernmental Agreements for the cost sharing, design, construction, construction management, rights-of-way acquisition, operation and maintenance;



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authorization to perform designs; and authorization for rights-of-way acquisition for the Wickenburg Downtown Flooding Hazard Mitigation Project. (C6905118600) (ADM1900)

**RESOLUTION FCD 2005R008  
WICKENBURG DOWNTOWN  
FLOODING HAZARD MITIGATION PROJECT**

**WHEREAS**, The Flood Control District of Maricopa County (District) was established in accordance with provisions of Arizona Revised Statutes Title 48, Chapter 21, which requires the Board of Directors of the District (Board) to identify flood problems and plan for the construction of facilities to eliminate or minimize flooding problems within Maricopa County; and,

**WHEREAS**, the Town of Wickenburg and Arizona Department of Transportation (ADOT) have agreed to construct the US 93 Interim Bypass Project; and,

**WHEREAS**, the US 93 Interim Bypass Project will provide 100year flood protection from the Hassayampa River flows; and,

**WHEREAS**, the (District) developed the Sols Wash Candidate Assessment Report in 2004 to identify compatible flood control solutions with the Arizona Department of Transportation's US 93 Interim Bypass Project and to mitigate flooding hazards to downtown Wickenburg; and,

**WHEREAS**, the joint projects of the Wickenburg Downtown Flooding Hazard Mitigation Project and the US 93 Interim Bypass Project will provide flood protection to 122 residential and 12 commercial properties, as well as Town of Wickenburg public facilities; and,

**WHEREAS**, the Town of Wickenburg submitted a request in the FY 2005/2006 CIP Prioritization Procedure that the District cost share in the Wickenburg Downtown Flooding Hazard Mitigation Project and the request was endorsed by the Flood Control Advisory Board for inclusion into future District CIP Budgets; and,

**WHEREAS**, the Wickenburg Downtown Flooding Hazard Mitigation Project is herein defined as flood control facilities along Sols Wash, Hospital Wash, the Hassayampa River and related improvements as shown on Exhibit A.

**NOW, THEREFORE, BE IT RESOLVED** that the Board authorizes and directs the Chief Engineer and General Manager to negotiate and prepare intergovernmental agreements and/or agreements with the Town of Wickenburg, other municipalities, agencies and others, as appropriate, for cost sharing, rights-of-way acquisition, design, construction, construction management and future operation and maintenance including appropriate DISTRICT participation in landscape and multi-use improvements for the Wickenburg Downtown Flooding Hazard Mitigation Project, subject to the ratification and approval of this Board; and,

**BE IT FURTHER RESOLVED** that the Chief Engineer and General Manager of the District is hereby authorized and directed to negotiate with landowners and/or appropriate agencies to obtain the necessary Rights-of-Entry, Property and/or Easements and all other necessary land rights and is authorized and directed to hire, retain or otherwise utilize the professional services of the County Attorney's office or private counsel to initiate and prosecute actions and proceedings in the manner required by law to

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condemn any and all Rights-of-Entry, Property, and/or Easements required for the implementation of the Wickenburg Downtown Flooding Hazard Mitigation Project, which cannot be obtained by donation or purchase in the following locations:

T7N, R5W, Sections 1, 2, and 12

Subject to the ratification and approval of this Board; and,

**BE IT FURTHER RESOLVED** that the Chief Engineer and General Manager of the District is authorized and directed to include funds in the District's current and future Five-Year CIP for the Wickenburg Downtown Flooding Hazard Mitigation Project, subject to the District's funding availability and subsequent approvals by this Board of future Five-Year CIP; and,

**BE IT FURTHER RESOLVED** that the Chief Engineer and General Manager of the District is authorized and directed to advertise, select, negotiate and award contracts for engineering services for implementation of the Wickenburg Downtown Flooding Hazard Mitigation Project, subject to the ratification and approval of this Board.

/s/ Max W. Wilson, Chairman

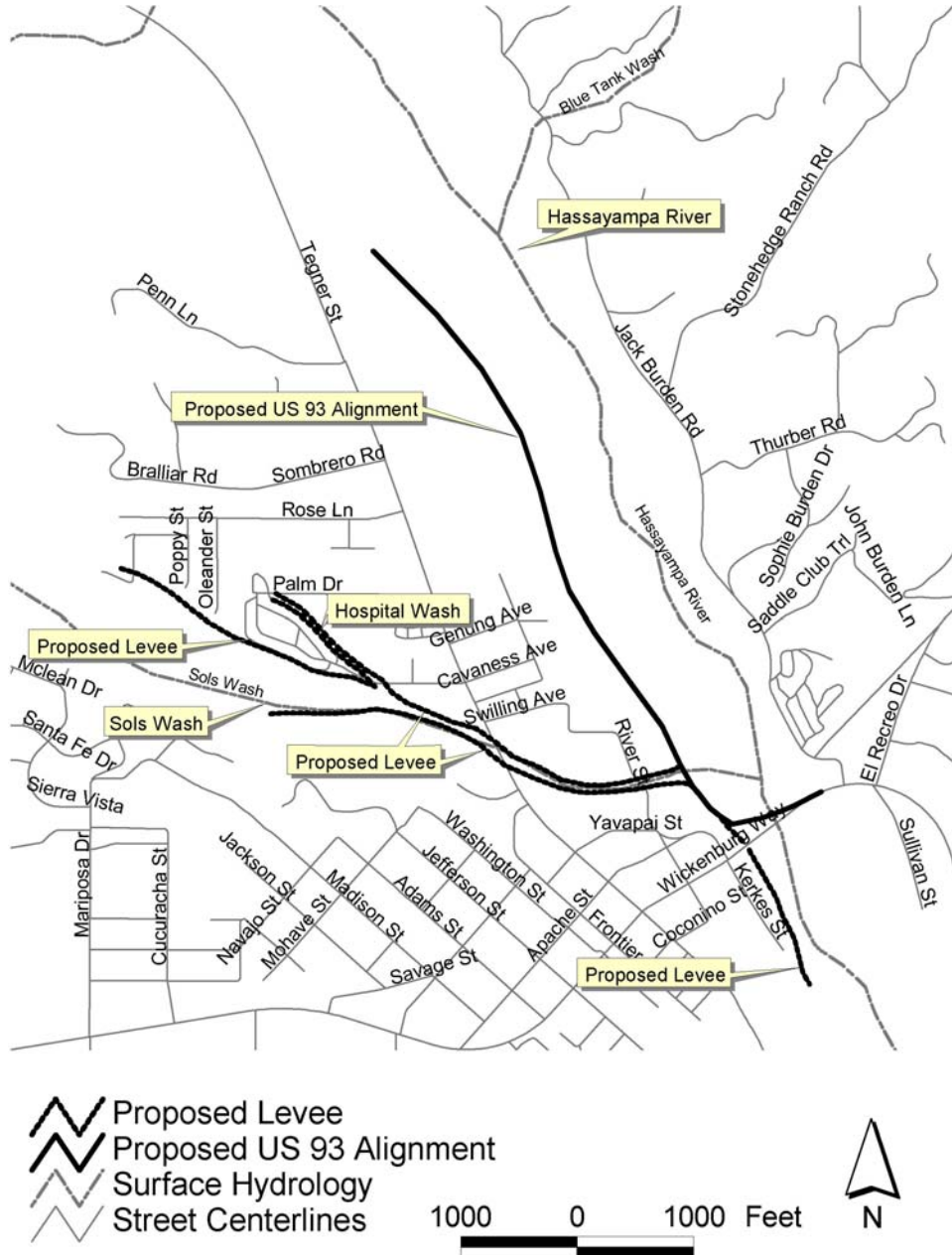
ATTEST:

/s/ Fran McCarroll, Clerk of the Board

Enclosure: Exhibit A

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**EXHIBIT A**  
Wickenburg Downtown Flooding Hazard Mitigation Project



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**CONTRACT WITH EEC FOR METRO/PHOENIX AREA DRAINAGE MASTER STUDY/PLAN**

Motion was made by Director Kunasek, seconded by Director Stapley, and unanimously carried (4-0-1) to award Contract FCD 2004C040 to Engineering and Environmental Consultants, Inc. (EEC) to provide professional engineering services for the Metro/Phoenix Area Drainage Master Study/Plan (Project 625-Metro ADMP). The contract will be conducted in two phases: Phase I for a lump sum of \$764,982, and Phase II for a lump sum of \$597,987. The total contract amount shall not exceed \$1,362,969. Each phase will have a Notice-to-Proceed issued. The performance period for Phase I is 365 calendar days following the Notice-to-Proceed. The performance period for Phase II is 365 calendar days following the Notice-to-Proceed. The total contract performance period is 730 calendar days. (C6905119500)

**AMENDMENT FOR ON-CALL GENERAL LEGAL COUNSEL SERVICES**

Motion was made by Director Stapley, seconded by Director Kunasek, and unanimously carried (4-0-1) to approve Amendment No. 1 exercising the option to renew Contract FCD 2003C003, On-Call General Legal Counsel Services, with Julie M. Lemmon, Attorney At Law for one additional year effective May 17, 2005 through May 16, 2006. The contract expenditure amount for this period of performance is \$200,000. The firm has agreed to continue providing services in accordance with the fee schedule furnished with the original contract, which is incorporated herein as Schedule A to Amendment No 1. (C6903067501) (Addendum item # A-1)

**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned.

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Max W. Wilson, Chairman of the Board

ATTEST:

\_\_\_\_\_  
Fran McCarroll, Clerk of the Board